IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 12325 of 2007(P)

PETITIONER:

K.V.GEORGE, S/O.K.P.VARKEY,
"KULLITHOTTAM", PINANGODE, KALPETTA, WAYANAD.

BY ADV. DR.K.B.MUHAMED KUTTY (SR.)
SRI.K.M.FIROZ

RESPONDENTS:

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1. THE KOYILANDY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK, LTD, P.O.BALUSSERY, KOZHIKODE, REPRESENTED BY ITS SECRTARY.

2. THE ASSISTANT REGISTRAR/ VALUATION OFFICER, OFFICE OF THE ASSISTANT REGISTRAR/VALUATION OFFICER, THE KOYILANDY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK, LTD., P.O.BALUSSERRY, KOZHIKODE.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

4. THE STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, CO-OPERATIVE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

R2 TO 4 BY G.P. SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.12325 of 2007

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Dated this the 10th day of April, 2007.

JUDGMENT

Heard counsel for the petitioner and Government Pleader appearing for respondents 2 to 4. Even though petitioner has raised various contentions including validity of provisions of the statute under which recovery is initiated, I do not think this court should adjudicate any of the issues for the time being because liability due to first respondent-Bank is admitted. However, since the business for which the loan was advanced collapsed, I feel first respondent should consider grant of OTS benefit to the petitioner for settling liability. In the circumstances, W.P. is disposed of directing the first respondent to consider petitioner's request for OTS if petitioner makes an application along with remittance of rupees one lakh within one month from today. Recovery proceedings will be kept in abeyance for one month from now and if payment is made as above, first respondent should consider and grant OTS benefit to the petitioner granting reasonable time to settle liability. Recovery thereafter will be initiated only if petitioner fails to settle liability under OTS scheme within the time granted by the Bank. However, if petitioner does not make payment and

apply for OTS benefit within one month, then the Bank is free to proceed for sale of property after one month.

C.N.RAMACHANDRAN NAIR
Judge

pms